

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

JACQUETTA SEON,

Plaintiff,

- against -

FAMILY RESIDENCES ESSENTIAL  
ENTERPRISES,

**REPORT AND  
RECOMMENDATION**

CV 03-6345 (SJF) (JO)

Defendant.

X

**JAMES ORENSTEIN, Magistrate Judge:**

Plaintiff Jacquette Seon ("Seon"), proceeding *pro se*, brought this action on December 18, 2003 claiming that she was unlawfully terminated from her employment at Defendant Family Residences Essential Enterprises ("FREE") in violation of Title VII of the Civil Rights Act of 1964 and of the Americans with Disabilities Act of 1990. Docket Entry ("DE") 1.

By letter dated December 7, 2005 Seon asked that her "case be dismissed without prejudice so that [she] may re-file at a later date." DE 56. She explains that she is receiving treatment for a diagnosed ailment and that such treatment and subsequent recovery will interfere with her ability to devote sufficient attention to prosecuting her claim. *Id.* By letter dated December 9, 2005, FREE's counsel advised that the defendant does not object to Seon's request for such relief. DE 57. Based on the parties' agreement, and in the interest of a just disposition on the merits of Seon's claims, I respectfully recommend that the court enter an order of voluntary dismissal without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Pending the court's decision on the foregoing recommendation, the pretrial conference previously scheduled for December 19, 2005, at 9:30 a.m. is adjourned without date. I will schedule further proceedings if and as appropriate.

This Report and Recommendation will be electronically filed on the court's ECF system. Counsel for defendant FREE is directed to serve a copy of this Report and Recommendation on plaintiff Seon and to file proof of service with the court. Any objection to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to me within 10 days of service. Failure to file objections within this period waives the right to appeal the District Court's Order. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900, (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

**SO ORDERED.**

Dated: Central Islip, New York  
December 13, 2005

/s/ James Orenstein  
JAMES ORENSTEIN  
U.S. Magistrate Judge

*Order*  
The Recommendation of  
Magistrate Judge Orenstein  
is adopted. The case is  
dismissed without prejudice.  
VSB  
12/29/05

RECEIVED  
HON. JAMES ORENSTEIN

From the Desk of Jacquette Seon

★      OF  
December 7, 2005

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Hon. James Orenstein  
United States Magistrate Judge  
U.S. District Court  
Eastern District of New York  
Long Island Federal Courthouse  
100 Federal Plaza, P.O. Box 9014  
Central Islip, NY 11722-9014

Re: Seon V. Family Residence Essential  
Enterprises Inc  
CV. 03-06345

Dear Magistrate Orenstein,

I am the Plaintiff Pro-Se in the above referenced matter. I am writing this letter to you to request that my current case be dismissed without prejudice so that I may re-file at a later date.

Currently I have been pursuing this matter without legal representation because I can not afford to retain counsel. Going into this I never imagined that this would be as much of a mental toll as it has been. Being a full time working, single parent that has no legal background this has been an uphill struggle. I have been suffering mentally and do not currently feel that I can continue to go forward on my own at this time. A few months ago I started seeing a therapist who has since diagnosed me with depression and has put me on several different medications to treat the problem. While it pains me to write this letter as I believe in what I am fighting for, or I would not have come this far, I feel I need to take the time to become mentally stable again so that I make pick up where I left off. I feel as if I continue to go on the way that I am that my case will suffer as a result of how I have been feeling. Just to bring you up to date, since the last status conference the defendant's counsel and I continued on with the discovery process. To date I have turned over all information that was requested by the defendant's counsel. I placed a second requested that the defendants counsel turn over information that I had requested from my written list of interrogatories and requested documents. In a conversation with Ms. Russo, as well

as by letter from Defenses counsel they stated that since I did not explain why the information was needed for my case that they were not going to submit the information requested. I still need to re-request the same information for a third time now. In a conversation with Ms. Russo we agreed on the date of December 2<sup>nd</sup>, 2005 for my deposition. However, Ms. Russo failed to notify me that she intended to continue with my deposition for the entire day, or at least 7 1/2 -8 hours. Unaware of how lengthy of a process the deposition would be I had made prior arrangements and scheduled an appointment at 2:45pm for the same day, which required me to leave by 2pm. We currently have a part 2 – scheduled for December 8<sup>th</sup>, 2005. Again, I am not trying to delay the process just because but for the past week I have not been feeling mentally balanced. To continue on with my case feeling this way would be detrimental to my case.

In closing I again respectfully request that you currently dismiss my case without prejudice, so that I may be able to take the time needed to seek the help in becoming mentally stable once again. I appreciate your consideration in this matter.

Yours Truly,

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Jacquette Seon  
270 Lowndes Ave #118G  
Huntington Station, NY 11746  
631-271-2623

CC: K. Russo – Jackson Lewis US Mail

DEC. 7, 2005 3:24PM CAMERA REPAIR NO. 708 P. 3

10. Suzy. Okenshaw

Fx # 712-5677

3 pages including cover

Orig sent via US Mail